

REMARKS

Claims 1, 2, 4-7, 9, 10, 12-14 and 16-23 of the application stand rejected in the Office Action dated September 3, 2009. Claims, 1, 10 and 17-23 have been amended herein to further clarify the invention. Applicants respectfully request reconsideration of pending Claims 1, 2, 4-7, 9, 10, 12-14 and 16-23 in light of the amendments and remarks herein.

35 U.S.C. §103

1, 2, 4-10 and 12-24 stand rejected once again under 35 U.S.C. § 102(b) as being unpatentable over Bork et al. (U.S. Patent No. 6,954,657, hereafter “Bork”) in view of O’Neill et al. (U.S. Publication 2004/0224693, hereafter “O’Neill”). Applicants respectfully traverse the Examiner’s rejections.

First and foremost, Applicants respectfully correct the Examiner’s mistaken date in the Office Action summary. Specifically, the Examiner states that the Office Action is responsive to communication(s) filed on “rce filed on 08.03.09”. Applicants respectfully submit that the RCE and accompanying preliminary amendment were in fact electronically filed on July 30, 2009 and uploaded to PAIR on August 3, 2009. The correct date accorded to the RCE should therefore be the electronic filing date of July 30, 2009.

With respect to the Examiner’s rejections, Applicants respectfully submit that the Examiner failed to address any of Applicants arguments in the September 3, 2009, Office Action. Instead, the Examiner simply reiterates his previous statements that skilled artisans in the wireless arts would have found Bork and O’Neill “readily combinable”. And again, the Examiner fails to address how these references could be combined to achieve each and every element of the claimed invention. Applicants respectfully submit that merely saying that Bork and O’Neill pertain to mobile devices and as such, it would have been obvious to combine functionality from both is simply inadequate to rise to the level of establishing a *prima facie* case of unpatentability, especially in light of the specific differences highlighted by Applicants in the response previously submitted with the RCE. The Examiner makes no attempt to address Applicants previously submitted arguments. As such, Applicants respectfully submit

these arguments once again, in the hopes that the Examiner may provide Applicants with more specific rejections. Barring such specific rejections, Applicants respectfully request entry of the amendments herein to place the claims in proper condition for appeal.

A key concept that the Examiner failed to address was previously highlighted as followed. The current invention provides a scheme to ensure that a device may behave differently for different users because the users' schedules may differ. Thus, while Applicants concede that Bork does in fact make reference to adjustments based purely on surrounding environmental factors, it makes no attempt to utilize any personalized user schedule information to customize that information. Bork therefore resembles the prior art scheme in the Specification in Paragraph 9 wherein the "devices behave the same for all users". In other words, the device may adjust its behavior according to surrounding environmental factors but there is no teaching or suggestion in Bork that the user's schedule or any user defined preferences may be processed with the environmental factors to provide highly customized direction to the mobile device.

With this context in mind, Applicants respectfully disagree with the Examiner's contention that since O'Neill teaches a system that includes a schedule that notifies the user of different events, it would have been obvious to combine O'Neill with Bork to achieve the claimed invention. Applicants strongly disagree. Once again Applicants submit that the combination of Bork with O'Neill merely suggests that the device may receive surrounding environmental factors and may also include a scheduling mechanism that notifies the user of various appointments. Nothing whatsoever in either reference teaches or suggests *combining the environmental information together with the user's location information AND the user's schedule to derive user context information*, and to then *determine device behavior based on the combined user context information and any user defined preferences*. Simply put, the schemes described in the references simply do not contemplate a *completely personalized user experience* on a mobile device. As claimed in the independent claims, the presently claimed invention includes the concept of "user context information" that is unique to each user and includes environment, location and schedule information, which may then be processed with user defined preferences, if they exist.

Applicants respectfully submit that the Examiner has failed to make any showing whatsoever of each element of the claimed invention. Specifically, the Examiner has failed to show how or where Bork or O'Neill, alone or in combination, teach at least the following elements of independent claims 1, 10 and 17:

combining the user's physical context information and the user-specific location and the schedule information to derive user-context information;
combining user defined preferences if they exist, together with the derived user-context information; and
directing the mobile device to modify its behavior based on the results from the combining of the user context information and the user defined preferences if they exist.

In summary, Applicants respectfully request the Examiner to make a showing that Bork and/or O'Neill teach or suggest each and every element of the independent claims. Alternatively, Applicants respectfully submit that Claims 1, 2, 4-7, 9, 10, 12-14, 16-23 are patentable over Bork and/or O'Neil and respectfully request the Examiner to withdraw the 35 U.S.C. § 103 rejections to these claims.

CONCLUSION

Based on the foregoing, Applicants respectfully submit that the applicable objections and rejections have been overcome and that pending Claims 1, 2, 4-7, 9, 10, 12-14 and 16-23 are in condition for allowance. Applicants therefore respectfully request an early issuance of a Notice of Allowance in this case. If the Examiner has any remaining questions, he is encouraged to contact the undersigned at (714) 730-8225.

Respectfully submitted,

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/Sharmini N. Green, Reg. No: 41,410/
Sharmini N. Green
Senior Attorney
Intel Corporation
Registration No. 41,410
(714) 730-8225